

Serial No.: 09/845,898
Group Art Unit: 3751
Examiner: A. Ramana
Atty. Docket No.: 102863-2

REMARKS

The pending Office Action addresses claims 1, 3-9, 11-15, and 37-46. Applicants thank the Examiner for allowing claim 37, and for indicating that claims 12 and 43 represent allowable subject matter and would be allowed if amended into independent format to include all of the limitations of the base claim and any intervening claims.

Amendments to the Claims

Applicant amends claim 1 to include the limitations of claim 12, which is now cancelled. No new matter is added.

Rejections Pursuant to 35 U.S.C. §102(b)

The Examiner rejects claims 1, 3-9, 11, 13-15, 38-42, and 44-46 pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 746,455 of Campbell. As noted above, independent claim 1 is amended to include the limitations of claim 12, which is now cancelled. Campbell does not teach or even suggest actuating members extending from openings formed in a body, and thereby claim 1 distinguishes over Campbell. Claims 3-9, 11, and 13-15 are allowable at least because they depend from an allowable base claim. With regard to independent claim 38, Applicants submit that Campbell does not teach or even suggest the medical instrument recited in independent claim 38.

Independent claim 38 requires a removable applicator sleeve slidably disposed on the body and adapted to selectively engage the actuating member. The Examiner argues that Campbell discloses a collar (E') that selectively engages the first and second actuating members. This is incorrect. The collar (E') disclosed by Campbell does not engage the ends (B²) of the jaws (B'). Rather, as shown in Figures 1 and 3 and as described at lines 53-65 of the specification, the collar (E') merely slides with respect to the shaft, and the jaws (B') are opened by an arm (E) that is attached to the collar. Accordingly, Campbell does not teach or even suggest any type of removable applicator sleeve that engages the actuating member. Independent claim 38, as well as claims 39-42 and 44-46 which depend therefrom, therefore distinguish over Campbell and represent allowable subject matter.

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Conclusion

In view of the remarks above, Applicants submit that all claims are now in condition for allowance, and allowance thereof is respectfully requested. Applicants encourage the Examiner to telephone the undersigned in the event that such communication might expedite prosecution of this matter.

Respectfully submitted,



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